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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

LUCENT TECHNOLOGIES,

Defendants.

CIVIL NO. 3:05-CV-00269 (transferred)

COMPLAINT
Civil Rights
– Employment Discrimination

JURY TRIAL DEMAND

NATURE OF THE ACTION, JURISDICTION AND VENUE

This is an action under the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to restrain the unlawful payment of wages to employees of one sex at rates less than the rates paid to employees of the opposite sex, and to provide appropriate relief due to employees as a result of such unlawful practices.

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (“FLSA”), as amended, 29 U.S.C. §216(c) and 217, to enforce the requirements of the Equal Pay Act of 1963, codified as Section 6(d) of the FLSA, 29 U.S.C.

§206(d) and pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1). This Action is also authorized and instituted pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were and are now being committed in Torrance, CA which is within the jurisdiction of the United States District Court for the Central District of California. The Commission alleges that Lucent Technologies pays various of its female employees pension and other benefits at rates less than those paid to certain of its male employees performing substantially equal work. Plaintiff further alleges that defendant unlawfully failed and refused, for purposes of determining employee eligibility for various benefits, to credit the time of certain female employees disabled due to pregnancy on the same basis as employees disabled for other reasons.

PARTIES

4. Plaintiff, the Equal Employment Opportunity Commission ("EEOC"), is the agency of the United States of America charged with the administration, interpretation, and enforcement of the Equal Pay Act and Title VII and is expressly authorized to bring this action by Sections 16(c) and 17 of the FLSA, 29 U.S.C. §216(c) and 217, as amended by Section 1 of the Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and Public Law 98-532 (1984), 98 Stat. 2705, and by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§2000e-5(f)(1) and (3).

5. At all relevant times, Defendant, Lucent Technologies (the "Employer") has continuously been doing business in the State of California and the City of Torrance and has continuously had at least fifteen employees.

6. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of section 701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e-(b), (g), and (h).

7. At all relevant times, Defendant Employer has acted directly or indirectly as an employer in relation to employees and has continuously been an employer within the meaning of

1 Section 3(d) of the FLSA, 29 U.S.C. §203(d).

2 8. At all relevant times, Defendant Employer has continuously employed employees
3 engaged in commerce or in the production of good for commerce within the meaning of Sections
4 3(b)(i) and (j) of the FLSA, 29 U.S.C. § 203(b), (i) and (j) or has continuously been an enterprise
5 engaged in the production of goods for commerce within the meaning of Sections 3(r) and (s) fo
6 the FLSA, 29 U.S.C. §203(r) and (s), in that said enterprise has continuously been an enterprise
7 whose annual gross volume of sales made or business done is not less than \$500,000.

8 STATEMENT OF TITLE VII CLAIMS

9 9. More than thirty days prior to the institution of this lawsuit, Rani Mahajan filed a
10 charge with the Commission alleging violations of Title VII by Defendant Employer. All
11 conditions precedent to the institution of this lawsuit have been fulfilled.

12 10. Since at least February 1999, Defendant Employer has engaged in unlawful
13 practices at its facilities throughout the United States in violation of section 703(a)(1) of Title
14 VII, 42 U.S.C. §2000e-2(a) . These practices include, but are not limited to calculating pension,
15 early-retirement and other benefits for certain female employees in a manner that recognizes a
16 maximum of thirty (30) days of service credit for pre- and post- delivery leaves of absence taken
17 by women disabled by pregnancy prior to April 29, 1979, while recognizing service credit for the
18 entire leave of absence for those employees who took leave due to disabilities unrelated to
19 pregnancy.

20 11. The effect of the practice complained of above has been to deny Rani Mahajan
21 and a class of Defendant Employer's female employees equal employment opportunities and
22 otherwise to adversely affect their status as employees because of their sex.

23 12. The unlawful employment practices complained of in paragraph 10 above were
24 and are intentional.

25 13. The unlawful employment practices complained of in paragraphs 10 above were
26 and are done with malice and/or reckless disregard for the federally protected rights of Ms.
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1 Mahajan and other similarly situated female employees of the defendant.

2 STATEMENT OF EQUAL PAY ACT CLAIMS

3 14. Since at least February 1999, Defendant Employer has violated Sections 6(d)(1)
4 and 15(a)(2) of the FLSA, 29 U.S.C. §206(d)(1) and 215(a)(2) by paying pension, early
5 retirement and other benefits to its female employees, at its facilities throughout the United
6 States, at rates less than the rates paid to male employees in the same establishment for
7 substantially equal work on jobs the performance of which requires equal skill, effort and
8 responsibility and which are performed under similar working conditions.

9 15. As a result of the acts complained of in paragraph 14 above, Defendant Employer
10 unlawfully has withheld and is continuing to withhold the payment of pension, early retirement
11 and other benefits due to Rani Mahajan and a class of similarly-situated female employees.

12 16. The unlawful practices complained of in paragraph 14, above were and are
13 willful.

14 PRAYER FOR RELIEF

15 WHEREFORE, the Commission respectfully requests that this Court:

16 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
17 successors, assigns, and all persons in active concert or participation with it, from engaging in the
18 institution, maintenance and/or management of any pension, early retirement and other benefit
19 plan which discriminates on the basis of sex.

20 B. Grant a permanent injunction enjoining the Defendant Employer, its officers,
21 successors, assigns and all persons in active concert or participation with it, from discriminating
22 within any of its establishments between employees on the basis of sex, by the institution,
23 maintenance and/or management of any pension, early retirement and other benefit plan paying
24 benefits to employees of one sex at rates less than the rates at which it pays benefits to employees
25 of the opposite sex for substantially equal work on jobs the performance of which requires equal
26 skill, effort, and responsibility and which are performed under similar working conditions.

1 C. Order Defendant Employer to institute and carry out policies, practices, and
2 programs which provide equal employment opportunities for women, and which eradicate the
3 effects of its past and and present unlawful employment practices.

4 D. Order Defendant Employer to make whole Rani Mahajan and the class of other
5 similarly situated women by providing appropriate back benefits with prejudgment interest, in
6 amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its
7 unlawful employment practices, including but not limited to, modifying any pension, early
8 retirement or other benefit plan which discriminates on the basis of sex to eliminate all such
9 discrimination.

10 D. Order Defendant Employers to make whole Ms. Mahajan and other similarly
11 situated individuals by providing compensation for past and future non-pecuniary losses caused
12 by the above unlawful conduct, including pain and suffering, emotional distress, indignity, loss
13 of enjoyment of life, loss of self-esteem, and humiliation, in amounts to be determined at trial.

14 E. Order Defendant Employer to pay Rani Mahajan and a class of similarly situated
15 female employees punitive damages for its malicious and/or reckless conduct describe din
16 paragraphs 10 and 14 above, in an amount to be determined at trial.

17 F. Grant a judgment requiring Defendant to pay appropriate back benefits in amounts
18 to be determined at trial, an equal sum as liquidated damages, and/or prejudgment interest in lieu
19 thereof to employees whose wages are being unlawfully withheld as a result of the acts
20 complained of above, including, but not limited to, Rani Mahajan and a class of similarly -
21 situated female employees.

22 G. Order Defendant Employer to make whole those employees whose wages are
23 being unlawfully withheld as a result of the acts complained of above, by restraining the
24 continued withholding of amounts owing as back benefits with prejudgment interest in amounts
25 to be determined at trial.

26 H. Grant such further relief as the Court deems necessary and proper in the public
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1 interest.

2 I. Award the Commission its costs in this action.

3 JURY TRIAL DEMAND

4 The Commission requests a jury trial on all questions of fact raised by its complaint.

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